

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

EMERSON ANINZO,

Plaintiff,

Case No.

Hon.

v

OX Engineered Products, LLC,

Defendant.

WILLIAM F. PIPER, PLC
William F. Piper (P38636)
Attorney for Plaintiff
1611 W. Centre Ave., Ste. 209
Portage, MI 49024
(269) 321-5008
wpiper@wpiperlaw.com

STARR, BUTLER, ALEXOPOULOS & STONER, PLLC
Kay Rivest Butler (P41651)
Zeth D. Hearld (P79725)
Attorneys for Defendant
20700 Civic Center Dr., Ste. 290
Southfield, MI 48076
(248) 864-4932
kbutler@starrbutler.com
zhearld@starrbutler.com

DEFENDANT'S NOTICE OF REMOVAL

TO: Judges of the United States District Court for the Western District of Michigan.

Defendant OX Engineered Products, LLC, ("Defendant"), through its attorneys, Starr, Butler, Alexopoulos & Stoner, PLLC, files this Notice of Removal of the above-captioned case from the St. Joseph County Circuit Court for the State of Michigan to the United States District Court for the Western District of Michigan, on the basis of federal question jurisdiction and in support thereof, state as follows:

1. On or about March 17, 2022, Plaintiff Emerson Aninzo commenced his lawsuit against Defendant in the St. Joseph County Circuit Court for the State of Michigan, Case 22-199-CD. **(Exhibit A, Complaint)**

2. Defendant first received notice of this action on or about May 18, 2022, when served with the Summons and Complaint. This Notice of Removal is therefore being filed

within thirty (30) days of the date that Defendant first received notice of this action pursuant to 28 U.S.C. §1446(b).

3. Plaintiff's Complaint alleges Race Discrimination under 42 U.S.C. § 1981. **(Ex. A, Counts I & II).**

4. Based on the allegations in Plaintiff's Complaint which include an alleged violation of a federal statute, this Court has original federal jurisdiction of this civil action under the provisions of 28 U.S.C. §1331 and this civil action may be removed to this Court by Defendant pursuant to 28 U.S.C. §1441. Moreover, this Court has supplemental jurisdiction over Plaintiff's related state-law claims for alleged violations of the Elliot-Larsen Civil Rights Act ("ELCRA") pursuant to 28 U.S.C. §1367(a) (Supplemental Jurisdiction).

5. Copies of all process and pleadings served upon Defendant are attached to this Notice of Removal in accordance with 28 U.S.C. §1446(a). **(Exhibit A).**

6. Concurrent with the filing of this Notice of Removal, Defendant is providing notice to all counsel for Plaintiff and the Clerk of the Circuit Court for the County of St. Joseph, pursuant to 28 U.S.C. §1446(d).

WHEREFORE, Defendant OX Engineered Products, LLC, gives notice that the above-described action pending in the Circuit Court for the County of St. Joseph, State of Michigan is being removed therefrom to this Honorable Court.

STARR, BUTLER, ALEXOPOULOS & STONER, PLLC

By: s/ Zeth D. Hearld
Kay Rivest Butler (P41651)
Zeth D. Hearld (P79725)
Attorneys for Defendant
20700 Civic Center Dr., Ste. 290
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kbutler@starrbutler.com
zhearld@starrbutler.com

Dated: June 6, 2022

{00096093.DOCX}

PROOF OF SERVICE

The undersigned says that on June 6, 2022, she has caused to be served a copy of **Defendant's Notice of Removal and this Proof of Service** via first class mail upon all attorneys of record.

I declare that the above statements are true and correct to the best of my knowledge, information and belief.

s/ Melissa Sobotka _____
Melissa Sobotka

EXHIBIT A

Approved: CAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN

JUDICIAL DISTRICT
JUDICIAL CIRCUIT
COUNTY PROBATE

15th

SUMMONS

CASE NO.

22-199 CD

Court address

125 W Main St, Centreville, MI 49032

Court telephone no.

(269) 467-5602

Plaintiff's name(s), address(es), and telephone no(s).

Emerson Aninzo
648 S. Hooker
Three Rivers, MI 49093

v

Defendant's name(s), address(es), and telephone no(s).

Ox Engineered Products, LLC.,
700 Centreville Rd.
Constantine, MI 49042

Plaintiff's attorney, bar no., address, and telephone no.

William F. Piper (P38636)
Attorney for Plaintiff
1611 W. Centre Avenue, Suite 209
Portage, MI 49024
(269) 321-5008Assigned to
JON. PAUL STUTESMAN

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☐ this court, ☐ _____ Court, where

it was given case number _____ and assigned to Judge _____

The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. YOU HAVE 21 DAYS after receiving this summons and a copy of the complaint to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date	Expiration date	Court clerk
March 21, 2022	June 20, 2022	Lindsay Oswald

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

Deputy

**STATE OF MICHIGAN
IN THE ST. JOSEPH COUNTY CIRCUIT COURT**

EMERSON ANINZO,
an individual,

Plaintiff,

v.

Case No.:22-199-CD

Hon. Paul Stutesman

OX ENGINEERED PRODUCTS, LLC.,
a foreign limited liability company,

Defendant.

WILLIAM F. PIPER, PLC
William F. Piper (P38636)
Attorney for Plaintiff
1611 W. Centre Avenue, Suite 209
Portage, MI 49024
(269) 321-5008
wpiper@wpiperlaw.com

COMPLAINT

The plaintiff Emerson Aninzo, by and through his attorney William F. Piper, PLC, for his complaint, states as follows:

JURISDICTIONAL ALLEGATIONS

1. The plaintiff Emerson Aninzo is a white man who resided in the city of Three Rivers, County of St. Joseph, State of Michigan, at all times relevant to this complaint.
2. The defendant is a company that operated a facility in the Village of Constantine at all times relevant to this complaint.
3. This complaint arises out of the plaintiff's employment by the defendant in St. Joseph County and its termination of his employment by it on January 8, 2020.

4. This lawsuit arises in part under the Elliott-Larsen Civil Rights Act, MCL 37.2101 *et seq.*

5. This lawsuit involves damages to the plaintiff that exceed \$25,000.00.

COMMON ALLEGATIONS

6. The plaintiff restates and realleges as though fully set forth herein paragraphs 1-5 of this Complaint.

7. The defendant began working for the defendant in April 2019.

8. At all times that he worked for the defendant Mr. Aninzo did a good job for it.

9. Mr. Aninzo's African American supervisor often harassed Mr. Aninzo and was more critical of him because of his race.

10. Mr. Whitfield called white employees honkeys and bragged about terminating a white man in the process of threatening another white man.

11. In August 2019 Mr. Whitfield approached Mr. Aninzo.

12. During the incident Mr. Whitfield told Mr. Aninzo that he had fired a number of white people who had complained about him.

13. During the incident Mr. Whitfield stood face to face with Mr. Aninzo and repeatedly called him a motherfucker.

14. After the incident Mr. Aninzo complained about it to supervisors.

15. The defendant disciplined Mr. Aninzo for attendance, even though others missed more days than him and were not disciplined.

16. The defendant then wrote up Mr. Aninzo for trivial incidents in retaliation against him because of his complaints.

17. On January 8, 2020 the defendant terminated Mr. Aninzo for a trivial reason that would not normally get someone terminated.
18. As a result of the wrongful termination Mr. Aninzo has suffered and will continue to suffer a loss of income and benefits, emotional distress, a loss of enjoyment of life, and other consequential damages.

COUNT I – RACE DISCRIMINATION

19. The plaintiff restates and realleges as though fully set forth herein paragraphs 1-18 of his complaint.
20. The defendant terminated Mr. Aninzo in part because of his race.
21. As a result of the wrongful termination Mr. Aninzo suffered and will continue to suffer the damages set forth above.
22. This claim is actionable under the Elliott-Larsen Civil Rights Act, MCL 37.2101 *et seq.*, and 42 USC §1981.

WHEREFORE, the plaintiff requests a judgment against the defendant that would include appropriate equitable relief, including reinstatement or front pay; appropriate legal relief, including compensation for the loss of income and benefits he suffered, and compensation for all intangible damages that he suffered and that he will continues to suffer; punitive damages; and all recoverable interest, attorney's fees, and any other relief this court deems fair and just.

COUNT II – RETALIATION

23. The plaintiff restates and realleges as though full set forth herein paragraphs 1-22 of his complaint.

24. The defendant terminated the employment of Mr. Aninzo in part because he had complained about race discrimination.
25. As a result of the retaliatory termination Mr. Aninzo suffered and will continue to suffer the damages set forth above.
26. This claim is actionable under the Elliott-Larsen Civil Rights Act, MCL 37.2101 and under 42 USC § 1981.

WHEREFORE, the plaintiff requests a judgment against the defendant that would include appropriate equitable relief, including reinstatement or front pay; appropriate legal relief, including compensation for the loss of income and benefits he suffered, and compensation for all intangible damages that he suffered and that he will continues to suffer; punitive damages; and all recoverable interest, attorney's fees, and any other relief this court deems fair and just.

Dated: March 17, 2022

WILLIAM F. PIPER, PLC.
Attorney for Plaintiff

By:


William F. Piper (P38636)

BUSINESS ADDRESS:

1611 W. Centre Avenue, Suite 209
Portage, MI 49024
(269) 321-5008

**STATE OF MICHIGAN
IN THE ST. JOSEPH COUNTY CIRCUIT COURT**

EMERSON ANINZO,
an individual,

Plaintiff,

v

OX ENGINEERED PRODUCTS, LLC.,
a foreign limited liability company,

Defendant.

Case No.:22-199-CD

Hon. Paul Stutesman

DEMAND FOR TRIAL BY JURY

WILLIAM F. PIPER, PLC
William F. Piper (P38636)
Attorney for Plaintiff
1611 W. Centre Avenue, Suite 209
Portage, MI 49024
(269) 321-5008
wpiper@wpiperlaw.com

The Plaintiff Emerson Aninzo, by and through his attorney William F. Piper, PLC., hereby demands a trial by jury in the above-entitled matter.

Dated: March 17, 2022

WILLIAM F. PIPER, PLC.
Attorney for Plaintiff

By: 
William F. Piper (P38636)
BUSINESS ADDRESS:

1611 West Centre Ave., Ste 209
Portage, Michigan 49024
Phone: 269.321.5008
Fax: 269.321.5009